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CLERK

6/1/2015

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

The United States of America,	.	Docket #MJ-15-363 (AYS)
Plaintiff,	.	
V.	.	United States Courthouse Central Islip, New York
Rajinder Singh,	.	April 21, 2015 3:13 p.m.
Defendant.	.	
.....		

TRANSCRIPT OF ARRAIGNMENT COMMITMENT AND DETENTION HEARING  
BEFORE THE HONORABLE ANNE Y. SHIELDS  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For The Plaintiff:

Andrey Spektor, Esq.  
U.S. Attorney's Office, EDNY  
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Brooklyn, NY 11201

For The Defendant:

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**Witnesses For The  
Plaintiff:**

**Witnesses For The  
Defendant:**

**EXHIBITS:**

**Marked    Received**

**THE COURT: Finding**

**9**

1                   THE CLERK: Calling, 15-MJ-363, The United States of  
2 America vs. Rajinder Singh. Please state your appearances for  
3 the record.

4                   MR. SPEKTOR: Andrey Spektor for the United States.  
5 Good afternoon, Your Honor.

6                   THE COURT: Good afternoon.

7                   MS. GAFFEY: Good afternoon, Your Honor, Tracey  
8 Gaffey, Federal Defenders, for Rajinder Singh.

9                   THE COURT: Good afternoon. We're here today about  
10 the proceeding seeking to move the Defendant to the Eastern  
11 District of Michigan. In that District there is an Indictment  
12 pending against the individual named Rajinder Singh. The  
13 Court has also issued an arrest warrant from that District.  
14 There is a six-count Indictment in the Eastern District of  
15 Michigan charging the Defendant there with charges arising out  
16 of allegedly setting fire to a building, seeking to collect  
17 insurance proceeds from that, hindering an investigation, and  
18 also immigration fraud. And I'll go over very quickly the  
19 counts of that Indictment.

20                  Count 1 charges the Defendant with conspiracy to violate  
21 18 U.S.C. 844(i). In this case that's charging him with the  
22 destruction by fire of a building used in activity affecting  
23 interstate commerce. Count 2 charges the Defendant with the  
24 offense of the malicious use of fire. Count 3 charges the  
25 Defendant with wire fraud in connection with an allegedly

1       false insurance plan. Count 4 charges the Defendant with  
2       giving misleading communication to a police officer to hinder  
3       an investigation. Count 5 charges the Defendant with  
4       immigration document fraud, for making a false statement on a  
5       Homeland Security form where he states he never lived at the  
6       time of arrest. And count 6 charges the Defendant with an  
7       attempted unlawful naturalization.

8           So this is the proceeding to remove the Defendant there,  
9       (indiscern.) before me now to the Eastern District of  
10      Michigan. Let me first ask the Defendant here whether you've  
11      had an opportunity to consult with a lawyer.

12           MR. RAJINDER SINGH: Yes.

13           THE COURT: Okay. I want to advise you of certain  
14      rights. First of all, you are here with Ms. Gaffey. You  
15      understand that she is court appointed. Whether she is court  
16      appointed or retained, she is your lawyer, do you understand  
17      that?

18           MR. RAJINDER SINGH: Yes.

19           THE COURT: Okay. I want to advise you also of  
20      Fifth Amendment rights with respect to the making of any  
21      statements. You need not make any statements. If you have  
22      made a statement, you need not make any more statements. If  
23      you start to make a statement, you can stop at any time, and  
24      any statement you make can be used against you. Do you  
25      understand your rights with respect to making statements?

1 MR. RAJINDER SINGH: Yes.

2 THE COURT: Okay. I also want to advise you of  
3 certain rights on this removal proceeding. You have the right  
4 to an identity hearing, where it would have to be proven that  
5 you are indeed the person named in the Eastern District of  
6 Michigan Indictment. You have the right to waive removal and  
7 voluntarily return to the Eastern District of Michigan. You  
8 have the right to plead guilty in this matter in this  
9 District, if both U.S. Attorneys agree, and that would be in  
10 Michigan and here.

11 Now let me ask defense counsel whether the Defendant  
12 waives his right to an identity hearing.

13 MS. GAFFEY: Yes, he is waiving his right to an  
14 identity hearing.

15 THE COURT: Okay, in that case I'm going to ask the  
16 Defendant to please state your name on the record.

17 MR. RAJINDER SINGH: Rajinder Singh.

18 THE COURT: Okay, fine. Now let me ask the  
19 Government what its position is on removal.

20 MR. SPEKTOR: We're seeking that the Defendant be  
21 removed in custody. I've spoken to the AUSA in Michigan and  
22 he advised me that if the Court is inclined to grant bail,  
23 that he would seek a stay here for 24 hours so the decision  
24 could be appealed in that District Court. We do think he's a  
25 flight risk. He's not a citizen, so he's facing mandatory

1      deportation if he's convicted. There is a mandatory minimum  
2      of five years for one of the counts, so he has all the  
3      incentive to flee. He does not have particularly strong ties  
4      to either community here or in Michigan. He has also  
5      participated in the burning of his own business, so to that  
6      extent he is also a danger to the community. So for all those  
7      reasons, we are seeking that he be removed in custody.

8                THE COURT: Okay, let me hear from defense counsel.

9                MS. GAFFEY: Yes, Your Honor. We have a proposal to  
10        make, and I'd just say that according to the pretrial services  
11        report, the pretrial services report indicates that he is  
12        {quote}{unquote} "bailable". We're not at this point able to  
13        offer property, but also in conjunction with this proposal as  
14        well as his tie to the community, his father is in Court and  
15        his uncle is in Court. His father owns a business and we  
16        would be proposing that business property; however, he is not  
17        the sole owner of that business. He does inform that last  
18        year he did gross over \$100,000, so he is a businessman with  
19        business assets. We would propose a \$100,000 personal  
20        recognizance bond to be signed by Mr. Singh's father. Mr.  
21        Singh's father is in Court with his uncle. He does have roots  
22        in the community. He is a legal permanent resident. His  
23        family is in the United States, so I would submit that this  
24        really lessens any risk of flight that there is. And he has  
25        roots in the community by way of his education, his family,

1 his employment, et cetera. So he is not transient by any  
2 nature. He has roots, and he has roots here. So I'd ask the  
3 Court to set a \$100,000 personal recognizance bond to be co-  
4 signed by his father, and any other conditions that Your Honor  
5 would see fit to employee, such as curfew, travel  
6 restrictions, as well as electronic monitoring, which may also  
7 help belay any question of risk of flight.

8 THE COURT: Can I hear from his father?

9 MS. GAFFEY: Yes, Your Honor, I will ask him to take  
10 the podium.

11 THE COURT: All right, Ms. Gaffey has made certain  
12 representations about what you're willing to do in this case.  
13 Let me ask you this: Does your son live with you?

14 MR. SINGH: Yes, ma'am.

15 THE COURT: And how long has he lived with you?

16 MR. SINGH: In 2005 when they moved over here, and  
17 no -- from the last day of May, in May 2014, he was here.

18 THE COURT: So May of 2014. And where did he live  
19 before that?

20 MR. SINGH: He was temporarily in Michigan.

21 THE COURT: In Michigan?

22 MR. SINGH: Yeah.

23 THE COURT: Okay, and he lived with a relative in  
24 Michigan?

25 MR. SINGH: I'm sorry?

1           THE COURT: Did he live with a relative in Michigan?  
2           MR. SINGH: No, he lived with himself. He did rent  
3 an apartment there.

4           THE COURT: Okay. And I understand you own a  
5 business. Can you tell me about that business?

6           MR. SINGH: I have a property in Georgia, Atlanta.

7           THE COURT: In --

8           MR. SINGH: In Georgia, Atlanta.

9           THE COURT: I'm sorry, I didn't --

10          MR. SINGH: In Georgia.

11          MS. GAFFEY: Atlanta, Georgia.

12          THE COURT: Oh, in Georgia.

13          MR. SINGH: Yeah.

14          THE COURT: Oh, the property is not here?

15          MR. SINGH: No, not here. I have here only the  
16 Medallion, the Yellow Cab Medallion I am driving.

17          THE COURT: The Medallion you're driving.

18          MR. SINGH: So I own that Medallion.

19          THE COURT: Do you own a home here?

20          MR. SINGH: No, Ma'am, I rent.

21          THE COURT: Okay. And how would you propose to get  
22 your son to Michigan to answer charges?

23          MR. SINGH: Yeah, I can -- if he -- I can bring him  
24 over there definitely, so if they put in the bond, then I can  
25 get around.

The Court - Finding

9

1           THE COURT: Okay, you may be seated.

2           MR. SINGH: Okay, thank you.

3           THE COURT: All right, I'll hear from the Government  
4 one more time. Do you want to respond to that?

5           MR. SPEKTOR: Sure. It sounds like the Defendant  
6 has moved around between Michigan and New York, so I don't  
7 know if he suddenly is -- has deep roots in either state. We  
8 appreciate there is one charter, but I think for someone who  
9 has a flight risk that the Defendant does facing mandatory  
10 deportation and a mandatory sentence of five years, we would  
11 at least ask for a number of sureties. And, you know, for the  
12 same reasons, we seek that he be removed in custody, and if  
13 Your Honor is inclined to grant bail, that we have a 24-hour  
14 stay so that the appeal could be heard in Michigan.

15          THE COURT: Okay. I think it might be different if  
16 this was the time of the charge in this District and the time  
17 (indiscern.) here, but due to the fact that this is something  
18 -- this is a removal proceeding and he's charged with time in  
19 the Eastern District of Michigan, who have a lot more  
20 knowledge of what the Indictment is and the time here, and  
21 that they have requested that he should then be removed in  
22 custody and taken to the Eastern District of Michigan, given  
23 the nature of the time, the lack of -- the dangerousness of  
24 the crime, the seriousness of the sentence that he may face in  
25 Michigan, and for a minimum the fact that he was not a

1 citizen, I'm going to order that he be taken to the Eastern  
2 District of Michigan in custody of the Marshal. I added onto  
3 the order also that he be taken there as soon as practicable,  
4 and if there is any delay in that, he can come back to me and  
5 we can, you know, hear about that. But as it is practicable  
6 by the Marshal to be dismissed to Michigan. I'm going to sign  
7 the order today then, to the Marshal. Is there anything else?

8 MR. SPEKTOR: Not from the Government, Your Honor.

9 MS. GAFFEY: I just have one question. I noted in  
10 the pre-trial services report that his Indian passport was  
11 seized by the case agents. I'd like to ask that that passport  
12 be either turned over to his father or turned over to pretrial  
13 services here so we can know where it is so it doesn't get  
14 lost in the shuffle, so we know who to contact -- if it's  
15 pretrial here, we know who to contact once the case is over to  
16 get it back.

17 THE COURT: Can that be sent to the pretrial people  
18 in Michigan?

19 MR. SPEKTOR: We can give it to pretrial here. I'm  
20 not sure how we would get it to pretrial in Michigan. I guess  
21 we can figure that out.

22 THE COURT: Well, I understand he needs to know  
23 where it is, and so we don't want it getting lost --

24 MR. SPEKTOR: Of course, of course, and we --

25 THE COURT: -- (indiscern.).

1                   MR. SPEKTOR: Yeah, and we can talk offline and  
2 we'll certainly give that to him. Either -- I guess our  
3 preference is to give it to pretrial here since we have the  
4 passport with us now, so that would be the easiest way is to  
5 give it to pretrial in New York.

6                   MS. GAFFEY: Can you take it? Because I would  
7 prefer that it go to the Eastern District of Michigan, just  
8 because that's where the case is and that's where he'll stay.

9                   THE COURT: Okay, well --

10                  MS. GAFFEY: Because we won't have any --

11                  THE COURT: -- can you coordinate with them to get  
12 it in their custody?

13                  MS. GAFFEY: I mean, we usually don't do that, but I  
14 guess I could look into it.

15                  MR. SPEKTOR: I think we'll put our heads together,  
16 we'll figure out --

17                  THE COURT: How hard can that be?

18                  MR. SPEKTOR: Yeah.

19                  (Laughter)

20                  MS. GAFFEY: Okay, Judge.

21                  THE COURT: Let's just try not to lose it.

22                  MR. SPEKTOR: Yeah.

23                  THE COURT: I think that's the main thing and I  
24 think that's the concern --

25                  MS. GAFFEY: Right.

1           THE COURT: -- that it not get lost between states.

2           MS. GAFFEY: Exactly.

3           THE COURT: Right?

4           MS. GAFFEY: Yes, exactly.

5           THE COURT: Okay, so talk amongst yourselves. And I  
6 just also want to make the point with respect to anything that  
7 goes on in Michigan, goes on there with respect to any fair  
8 hearings or detention hearings in there, whatever I found here  
9 is strictly upon what I know here in this Courtroom today. So  
10 I'm not saying that there's going to be a lot of weight given  
11 that. I don't think there should be a lot of weight given  
12 that in the proceeding in Michigan. That will be a proceeding  
13 that they have on their own over there.

14          MS. GAFFEY: Understood, Your Honor, thank you.

15          THE COURT: Okay?

16          MR. SPEKTOR: Thank you.

17          THE COURT: All right, thank you. There isn't  
18 anything else, is there?

19          MR. SPEKTOR: Not from the Government.

20          MS. GAFFEY: No, Your Honor, thank you.

21          THE COURT: Okay, that's it then.

22          (Court adjourned)

23

24

25

1                           CERTIFICATION  
2   I certify that the foregoing is a correct transcript from the  
3   electronic sound recording of the proceedings in the above-  
4   entitled matter.  
5  
6

7                           5/29/15  
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10                          \_\_\_\_\_\_\_\_\_\_  
                            Date